

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES WOLFBAUER,

Plaintiff,

vs.

OCWEN LOAN SERVICING, LLC, a
Delaware Limited Liability Company;
KOZENY & MCCUBBIN, The Law
Firm of; and DOES 1 THROUGH 10,
Inclusive;

Defendants.

8:19CV105

**MEMORANDUM
AND ORDER**

Plaintiff James Wolfbauer, a non-prisoner, filed a Motion for Leave to Proceed in Forma Pauperis (“IFP”) ([filing no. 6](#)) and what the court construes as a motion for summons ([filing no. 2](#)). Upon review of Plaintiff’s IFP motion, the court finds that Plaintiff is financially eligible to proceed in forma pauperis.

The court is required to review in forma pauperis complaints to determine whether summary dismissal is appropriate. *See* 28 U.S.C. § 1915(e)(2). The court must dismiss a complaint or any portion thereof that states a frivolous or malicious claim, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). This matter may not proceed to service of process unless so ordered by the court after conducting this initial review. Accordingly, Plaintiff’s motion for summons ([filing no. 2](#)) is denied.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed in Forma Pauperis ([filing no. 6](#)) is granted, and the Complaint shall be filed without payment of fees.
2. Plaintiff's motion for summons ([filing no. 2](#)) is denied.
3. Plaintiff is advised that the next step in his case will be for the court to conduct an initial review of his claims to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). The court will conduct this initial review in its normal course of business.

Dated this 21st day of March, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge